

## Message Text

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PAGE 01 STATE 230685

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INFO OCT-01 EA-07 ISO-00 JUSE-00 CIAE-00 INR-07 NSAE-00

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DRAFTED BY L/EA:PNORTON  
APPROVED BY L/EA:EVERVILLE  
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----- 015670  
R 262325Z SEP 75  
FM SECSTATE WASHDC  
TO AMEMBASSY MANILA

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E.O. 11652: N/A

TAGS: PGOV, PINS, RP

SUBJECT: LIBEL ACTION AGAINST PRESIDENT MARCOS, ET AL

REF: MANILA 12475

1. SOLICITOR GENERAL MENDOZA MET WITH LEGAL ADVISER LEIGH AGAIN ON THURSDAY, SEPT. 25. LEIGH INFORMED MENDOZA THAT DEPARTMENT WOULD SEND LETTER TO JUSTICE DEPARTMENT FOR TRANSMISSION TO FEDERAL COURT IN SAN FRANCISCO SUGGESTING IMMUNITY FROM SUIT FOR MARCOS. THIS WOULD BE DONE IMMEDIATELY IN RECOGNITION OF MARCOS' POSITION AS HEAD OF STATE, RATHER THAN WAITING IN ACCORDANCE WITH NORMAL PROCEDURES FOR SERVICE OF PROCESS AND PLEA OF IMMUNITY IN COURT BY LOCAL COUNSEL.

2. LEIGH ADVISED MENDOZA THAT STATUS OF OTHER PHILIPPINE DEFENDANTS WAS DIFFERENT. COUNSEL GENERAL ALCONCEL'S AMENABILITY TO SUIT GOVERNED BY VIENNA CONVENTION ON CONSULAR RELATIONS. NORMAL PRACTICE UNDER CONVENTION WOULD REQUIRE ALCONCEL TO PLEAD IN COURT THAT HIS ACTS  
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PAGE 02 STATE 230685

WERE OFFICIAL ACTS AND IMMUNE THEREBY.

3. OTHER PHILIPPINE DEFENDANTS, LEIGH CONTINUED, WERE NOT THOUGHT TO ENJOY PERSONAL IMMUNITY, BUT COULD ENTER A PLEA OF SOVEREIGN IMMUNITY ACCORDING TO NORMAL PROCEDURES.

LEIGH INDICATED THAT IF THE OCCASION AROSE DEPARTMENT WOULD THEN ENTERTAIN A REQUEST FOR SUCH IMMUNITY ACCORDING TO ITS NORMAL PRACTICE.

4. LEIGH SAID WE DID NOT EXPECT THAT SOVEREIGN OR CONSULAR IMMUNITY ISSUES FOR OTHER DEFENDANTS WOULD IN FACT ARISE BECAUSE IT SEEMED SO UNLIKELY THAT SERVICE OF PROCESS WOULD BE MADE ON ANY OF THEM. MENDOZA REMARKED THAT ONLY UNDERSECRETARY INGLES WAS LIKELY TO TRAVEL IN THE U.S., BUT THAT HE WOULD BE DOING SO ON DIPLOMATIC MISSIONS WITH DIPLOMATIC PASSPORT. LEIGH NOTED THAT U.S. LAW DOES NOT PERMIT SERVICE ON A PERSON TRAVELLING IN THAT CAPACITY.

5. MENDOZA SEEMED PLEASED WITH RESOLUTION OF ISSUE AND EAGER TO HAVE DOCUMENTS IN HAND FOR RETURN TO MANILA. LEIGH INFORMED HIM THAT LETTER TO JUSTICE WOULD GO OUT BY MONDAY, AND THAT REPLY NOTE TO PHIL EMBASSY WITH COPY OF LETTER ATTACHED WOULD GO OUT SAME TIME. MENDOZA SAID HE WOULD AWAIT DOCUMENTS BEFORE GOING HOME. KISSINGER

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DIPLOMATIC PRIVILEGES, COURTS  
**Control Number:** n/a  
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**Draft Date:** 26 SEP 1975  
**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
**Disposition Authority:** RowellE0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**To:** MANILA  
**Type:** TE  
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